

**Law Offices of
Peter Cipparulo, III**

Peter Cipparulo, III, Esq.*

**Certified by the Supreme Court of New Jersey
as a Certified Civil Trial Attorney*

Via ECF

The Honorable Philip M. Halpern, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: Fisher v. Receivables Performance Management, LLC (“RPM”)
Case No. 7:21-cv-7715**

Dear Judge Halpern:

This court entered an Order permitting the extension of discovery by one week so the deposition of the plaintiff could be conducted. Plaintiff was requested to appear on March 7, 2022 to appear for deposition. Plaintiff never confirmed a time for him to appear at the deposition. On March 4, 2022, I sent an email to plaintiff's counsel requesting that he confirm a time for his client to appear and I received no response.

Defendant respectfully requests that the Court order the plaintiff to appear for deposition by March 14, 2022 and that should plaintiff fail to appear, defendant is entitled to seek R. 37 sanctions. Extending discovery for one further week to complete the deposition will not affect any court date as fact discovery is due to be completed March 16, 2022. Thank you for your consideration

Respectfully submitted,

PETER CIPPARULO, III

cc: Tamir Saland, via ECF

In light of Plaintiff's representations (see Doc. 24), application denied without prejudice to renew.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 22.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
March 10, 2022